

Concerned Residents of Warren and Washington
P.O. Box 2426
New Preston, CT 06777

March 4, 2010

Hon. John W. Fonfara
Legislative Office Building
Room 3900
Hartford, CT 06106-1591

Re: House Bill 5213

Dear Senator Fonfara:

My name is Bruce Coleman, and I am president of Concerned Citizens of Warren and Washington ("CROWW"). CROWW is the citizens group referred to in the testimony of Attorney General Blumenthal dated February 23, 2010 submitted in support of House Bill 5213.

This letter is submitted in further support of that proposed Bill and in response to the testimony of Colin C. Tait, Vice-Chairman of the Connecticut Siting Council, submitted in opposition.

As Attorney General Blumenthal notes in his testimony, the proposed Bill is remedial in nature and is in response to a particularly egregious situation before the Siting Council in which a petitioner engaged in material misconduct and the Siting Council was unable to provide financial relief to citizens who were damaged by that misconduct because the Siting Council claimed it did not have "statutory authority" to do so.

While the specific application in question (which was prosecuted before the Siting Council under Docket 378) was the impetus for the proposed Bill, the underlying issue applies to all matters before the Siting Council. Vice-Chairman Tait's concern that granting authority to the Siting Council to award reimbursement to citizens groups who seek compensation for their expenses associated with misrepresentations and omissions by petitioners could "invite mischief" or somehow allow such persons to "disrupt [Siting Council] proceedings" and "cause...chaos" is the type of hyperbole that suggests that the proposed Bill touches a very sensitive subject regarding the relationship between the Siting Council and the industry members who appear before it.

In this regard, in your Committee's consideration of the proposed Bill, I urge you and the other members of the Energy and Technology Committee, who are copied on this letter, to review the record in Docket 378 and determine for yourselves whether the modest remedial purposes of the proposed Bill far outweigh any potential for "mischief" caused by citizens groups.

To the contrary, without an ability through appropriate statutory authority to sanction petitioners who engage in misconduct, petitioners are free to misstate and omit material facts with impunity, knowing that if their misconduct is discovered, they can simply withdraw their application - without prejudice - and return to the Siting Council with another application covering the same or a neighboring site with no restriction or limitation.

On a personal note, CROWW was formed by a group of neighbors in Warren and Washington for the purpose of opposing the construction of a cell tower on the historic and picturesque Tanner farm on Rabbit Hill Road in Warren. Members of CROWW spent hundreds of hours of their time and more than \$20,000 of their funds in opposing an application that never should have been filed in the first place and presumably would not have been accepted for filing by the Siting Council had the petitioner made full and accurate disclosure.

Moreover, petitioners with substantial human and financial resources appear to be able to, in effect, steamroll applications through the tightly timed Siting Council process thereby creating at least the appearance of an extremely uneven playing field in which the outcome is all but predetermined. This appearance of futility in the face of overwhelming resources (which is supported by the nearly 100% approval of applications submitted to the Siting Council) can, and does, have a chilling effect on both local towns and their residents who perceive that opposing an application will involve a great deal of time and money, both of which are in limited supply, and will, in the end, have little, if any, effect.

House Bill 5213 proposed by Attorney General Blumenthal is a small step in reducing this imbalance. As a local town resident whose time and money were needlessly wasted by the misconduct of a petitioner before the Siting Council, I urge the Committee to approve the proposed Bill as a first step in bringing very much needed reform to the Siting Council application process.

Respectfully submitted,


Bruce Coleman

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